IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR
WRIT PETITION NO...370 2004

PETITIONER

Hari Ram Patel S/o Shri B.S.Patel,
aged about 45 years, Assist. teacher,
Primary School Bheemsen deeh,
Sarangarh Tehsil- Sarangarh Dist.
Raigarh (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh
Through Secretary
Education Department
D.K.S.Bhawan Raipur (C.G.)

2. The Additional Commissioner,
triable department, Raigarh
Dist. Raigarh (C.G.)

3. The District Education Officer
Raigarh, Dist. Raigarh(C.G.)

4. The Belock Education Officer
Sarangarh tahsil –Sarangarh
Dist. Raigarh (C.G.)

P. R. No. 358/04
Presented by Shri R.S. Patel
dated 03.03.04

WRIT PETITION UNDER ARTICLE 226/227 OF THE COUNSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF CEERTIORARI, MANDAMUS ,PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERES:

The petitioner above-named most respectfully submit as under:-

1.PARTICULARS OF THE PETITIONER:

As mentioned in the cause title above.

2.PARTICULARS OF THE RESPONDENT:

As mentioned in the cause title above.

3.PARTICULARS OF THE ORDERS AGAINST WHICH PETITION IS MADE

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(36)

आदेश पत्रक

मामला क्रमांक W.P.No.370/ सन् 2004

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

23.04.2004

Shri R.S. Patel, counsel for the petitioner.

Shri Sanjay S. Agrawal, Panel Lawyer for the State.

Application for urgent hearing is allowed.

Heard.

On 08.03.2004 notices were issued to the respondents and as per the office note, all respondents have been served.

Reply has not been filed.

Shri Patel, learned counsel for the petitioner submits that as per the order dated 18.07.2003 (Annexure P-2) issued by the State Government, mutual transfer was made. Subsequently, petitioner had joined on 06.08.2003. It is stated that subsequently, as per Annexure P-1 01.01.2004 the Block Education Officer/ respondent No.1 issued a letter to the Head Master informing him that he has received letter dated 23.12.2003 from District Education Officer and pursuant to the direction of District Education Officer that the petitioner be relieved. Shri Patel submits that the petitioner has not been relieved and he is continuing. It is submitted that the children of petitioner are studying at the present place of posting.

Shri N.K. Agrawal, learned Dy. Adv. Gen. submits that the transfer is an incidence of service. He placed reliance on

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No.370/94 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

a decision of the Supreme Court reported in (2003) 4 SCC 104 (Public Services Tribunal Bar Association vs. State of U.P. and Another).

Having considered the facts and circumstances of the case and material on record, it is directed that as per the statement made by counsel for the petitioner, if the petitioner has not been relieved he may make representation before the competent authority of respondents within 15 days and on such representation being filed, the same shall be considered and decided on merits as early as possible preferably within a month and the petitioner shall be allowed to continue as such till the decision of the representation.

If the petitioner has been relieved, he is to join at the place where he has been transferred and then make a representation raising the grievance which will be decided within 2 months of receipt of the same.

Subject to what has been stated above, this petition stands disposed of.

Consequently, M.W.P.No.325/2004 also stands disposed of.

Certified copy as per rules.

Sd/-
Fakhruddin
Judge

[पीछे देखिये